

Message Text

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ORIGIN EUR-12

INFO OCT-01 IO-10 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-05 OMB-01 OES-03 (ISO) R

DRAFTED BY EUR/CE:BBISHOP:KP

APPROVED BY IO: MR. BLAKE

IO/UNP:CSCHALLER

EUR/CE:DANDERSON

----- 013950

R 042116Z APR 75

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

INFO AMEMBASSY BONN

USMISSION USBERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: PFOR, WB, US, UK, FR, UN, PO, CZ, UNESCO, IAEA,

WMO, GW

SUBJECT: REPLIES TO VARIOUS PROTESTS RELATING TO FRG

REPRESENTATION OF WEST BERLIN

REF: BONN A-628, DECEMBER 31, 1974

1. FOLLOWING CONSULTATIONS IN BONN GROUP, THREE ALLIES
(US, UK, FRANCE) TOGETHER WITH FRG HAVE AGREED ON FINAL
FORM OF REPLIES TO SUBJECT PROTESTS. TEXTS OF REPLIES
TO BE DELIVERED AT UN NEW YORK FOLLOW BELOW. PRIORTO
DELIVERY, REQUEST YOU COORDINATE WITH UK, FRENCH ANDFRG
MISSIONS TO VERIFY ACCURACY OF TEXTS ANDAGREE ON
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MODALITIES OF DELIVERY.

2. FOLLOWING REPLIES KEYED TO REF B CATEGORIES:

A. CATEGORY I. A. (1): REPLY FROM EACH OF THE THREE ALLIES TO GDR NOTE CIRCULATED IN THE UN ON THE HIGH SEAS CONVENTION (CN45 1974 TREATIES - 3) BEGIN TEXT

1. (OPENING PARAGRAPH REFERRING TO THE DOCUMENT IN QUESTION.)

2. THE GOVERNMENT OF (BLANK) WISHES TO POINT OUT THAT THE GDR IS NOT A PARTY TO THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 WHICH WAS CONCLUDED IN BERLIN BY THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNION OF THE SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OF THE UNITED STATES OF AMERICA, AND IS NOT THEREFORE COMPETENT TO COMMENT AUTHORITATIVELY ON ITS PROVISIONS.

3. THE ABOVE NOTE CONTAINS AN INCOMPLETE AND THEREFORE MISLEADING REFERENCE TO THE QUADRIPARTITE AGREEMENT. IN THIS CONNECTION THE GOVERNMENT OF (BLANK) WISHES TO DRAW ATTENTION TO THE FACT THAT THE PROVISION OF THE QUADRIPARTITE AGREEMENT REFERRED TO IN THE NOTE STATES THAT "THE TIES BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY WILL BE MAINTAINED AND DEVELOPED, TAKING INTO ACCOUNT THAT THESE SECTORS CONTINUE NOT TO BE GOVERNED BY IT".

4. THE GOVERNMENT OF (BLANK) DOES NOT CONSIDER IT NECESSARY TO RESPOND TO ANY FURTHER COMMUNICATIONS CONTAINING INCOMPLETE AND MISLEADING REFERENCES TO PROVISIONS OF THE QUADRIPARTITE AGREEMENT FROM STATES WHICH ARE NOT SIGNATORIES TO THAT AGREEMENT. THIS SHOULD NOT BE TAKEN TO IMPLY ANY CHANGE IN THE POSITION OF THE GOVERNMENT IN THIS MATTER.

5. (APPROPRIATE FORM OF WORDS TO ACHIEVE SAME CIRCULATION AS NOTE REFERRED TO ABOVE.) END TEXT

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B. CATEGORY II. I. A. (1) THROUGH (5) OMNIBUS ALLIED REPLY FROM EACH OF THREE ALLIES TO NOTES CIRCULATED IN UN, CATEGORY II. (1) (A.), (CN-209 1974 TREATIES 5, CN-281 1974 TREATIES 24, CN-253 1974 TREATIES 11, CN-254 1974 TREATIES 6, AND CN-255 1974 TREATIES 5) BEGIN TEXT.

1. (OPENING PARAGRAPH REFERRING TO APPROPRIATE DOCUMENT).

2. THE GOVERNMENT OF (BLANK) WISHES TO POINT OUT THAT THE STATES WHOSE NOTES ARE CONTAINED IN THE ABOVE MENTIONED DOCUMENTS ARE NOT PARTIES TO THE QUADRIpartite AGREEMENT OF 3 SEPTEMBER 1971 WHICH WAS CONCLUDED IN BERLIN BY THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE

UNION OF THE SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OF THE UNITED STATES OF AMERICA, AND ARE NOT THEREFORE COMPETENT TO COMMENT AUTHORITATIVELY ON ITS PROVISIONS.

3. THE QUADRIpartite AGREEMENT DOES NOT IMPOSE ANY REQUIREMENT REGARDING TERMINOLOGY TO BE USED BY THE FEDERAL REPUBLIC OF GERMANY WHEN EXTENDING TO THE WESTERN SECTORS OF BERLIN TREATIES OR AGREEMENTS TO WHICH IT HAS BECOME A PARTY NOR, OF COURSE, DOES THE AGREEMENT AFFECT TERMINOLOGY USED IN THE PAST.

4. IN ANY CASE THE USE BY THE FEDERAL REPUBLIC OF GERMANY OF THE TERMINOLOGY ;ENTIONED IN THE NOTES UNDER REFERENCE CAN IN NO WAY AFFECT QUADRIpartite AGREEMENTS OR DECISIONS RELATING TO BERLIN.

5. CONSEQUENTLY THE VALIDITY OF THE BERLIN DECLARATION MADE BY THE FEDERAL REPUBLIC OF GERMANY IS UNAFFECTED BY THE USE OF THIS TERMINOLOGY.

6. THE GOVERNMENT OF (BLANK) DOES NOT CONSIDER IT NECESSARY TO RESPOND TO ANY FURTHER COMMUNICATIONS OF A SIMILAR NATURE BY STATES WHICH ARE NOT SIGNATORIES TO THE QUADRIpartite AGREEMENT. THIS SHOULD NOT BE TAKEN TO IMPLY ANY CHANGE IN THE POSITION OF THE GOVERNMENT IN LIMITED OFFICIAL USE

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THIS MATTER.

7. (APPROPRIATE FORM OF WORDS TO ACHIEVE SAME CIRCULATIONAS DOCUMENTS REFERRED TO ABOVE.) END TEXT.

C. CATEGORY II 2. A. (1) THROUGH (7) OMNIBUS REPLY FROM EACH OF THE THREE ALLIES TO NOTES CIRCULATED IN THE UN RE CATEGORY II 1 (THIRD STATES, STATUS AND SECURITY) (CN 135.1974 TREATIES-4, CN 183.1974 TREATIES-4, CN 184.1974 TREATIES-2, CN 101.1974 TREATIES-3, CN 221. 1974 TREATIES-6, CN 220.1974 TREATIES-5, CN 284.1974 TREATIES-5) BEGIN TEXT

1. (OPENING PARAGRAPH REFERRING TO THE REVELANT CIRCULAR NOTES.)

HICH REFER TO THE QUADRIpartite AGREEMENT OF SEPTEMBER 3, 1971. THIS AGREEMENT WAS CONCLUDED IN BERLIN BETWEEN THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNION OF THE SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND OF THE UNITED

STATES OF AMERICA. THE GOVERNMENTS SENDING THESE NOTES ARE NOT PARTIES TO THE QUADRIpartite AGREEMENT AND ARE THEREFORE NOT COMPETENT TO MAKE AUTHORITATIVE COMMENT ON ITS PROVISIONS.

3. THE GOVERNMENT OF (BLANK) WISHES TO BRING THE FOLLOWING TO THE ATTENTION OF THE STATES PARTIES TO THE CONVENTIONS REFERRED TO IN THE ABOVE MENTIONED COMMUNICATIONS. WHEN AUTHORIZING THE EXTENSION OF THESE CONVENTIONS TO THE WESTERN SECTORS OF BERLIN THE AUTHORITIES FO THE THREE POWERS ACTING IN THE EXERCISE OF THEIR SUPREME AUTHORITY ENSURED IN ACCORDANCE WITH ESTABLISHED PROCEDURES THAT THESE CONVENTIONS ARE APPLIED IN THE WESTERN SECTORS OF BERLIN IN SUCH A WAY AS NOT TO AFFECT MATTERS OF SECURITY AND STATUS.

4. ACCORDINGLY, THE APPLICATION OF THESE CONVENTIONS TO THE WESTERN SECTORS OF BERLIN CONTINUES IN FULL FORCE AND EFFECT. END TEXT. INGERSOLL
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, AGREEMENTS, DIPLOMATIC COMMUNICATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE076839
Document Source: CORE
Document Unique ID: 00
Drafter: BBISHOP:KP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750119-0372
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750479/aaaacuos.tel
Line Count: 201
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 BONN A-628, 75 DECEMBER 31, 75 1974
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 08 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 APR 2003 by BoyleJA>; APPROVED <21 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REPLIES TO VARIOUS PROTESTS RELATING TO FRG REPRESENTATION OF WEST BERLIN
TAGS: PFOR, WB, US, UK, FR, PO, CZ, UN, UNESCO, IAEA
To: USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006